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EXAMINER

YE, LIN

ART UNIT PAPER NUMBER

2615

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/697,739

Applicant(s)

KINJO, NAOTO

Examiner

Lin Ye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-16 and 18-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-11, 24-28, 35, 36, 39 and 40 is/are allowed.
- 6) ☒ Claim(s) 2-6, 12-16, 18-23, 29-34, 37, 38 and 41-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/08/04 have been fully considered but they are not persuasive as to claims 2-6, 12-16, 18-23, 29-34, 37-38 and 41-43.

For claims 12 and 29, the applicant argues that Murayama reference does not teach or suggest the limitations recited in claims 12 and 29, “the message information are used to assist extracting the main feature of the instant image, thereby determining the optimal image processing. The extracted main feature initiates separate image processing based on light source of the instant image” (amendment page 25-26). However, the claims 12 and 29 **do not** mention anything about the limitations; “the message information” recited in claims 12 and 29 are broad. They only require the message information relating to said photographing scene; the step of assuming the photographing scene from contents of said message information; and preset image processing conditions in accordance with the assumed photographing scene. The Murayama reference clearly discloses the camera information of said photographing scene includes a message information (a bar code data as the light source data 42 recorded with the image data, see Col. 5, lines 4-16 and lines 43-50) relating to said photographing scene, acquired or input in said camera and assigned to said digital image data (the reference states the image data can be either film or digital image data, See Col. 6, lines 53-57), said assuming step (e.g., judging the light source of photographing scene to be daylight or sunset) the of the photographing scene is a step of assuming (reading by bar code reader) the photographing scene from contents of said message information ; and said preset

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image processing step (performing color correction processing based on the light source data 42) is a step of subjecting image processing by means of image processing conditions set in accordance with the assumed photographing scene (e.g., the image would be reproduced under correction in rather a yellowish when the daylight is low in color temperature, see Col. 5, lines 55-60).

For claims 2 and 19, the applicant argues that the last Office Action from the examiner has not provided proper motivation for one of ordinary skill in the art to modify the teaching of Murayama et al. with the teachings of Honda et al. to achieve the invention of independent claims 2 and 19, because the Honda reference is completely silent about using the acquired place data and date/time data to select an optimal image processing method (i.e. color correction) to reproduce the instant image. The examiner respectfully disagrees with this argument. It should be noted that the Murayama reference clearly discloses about using the acquired date/time data as camera information to select an optimal; image processing method (i.e., color correction) to reproduce the instant image (e.g., the image would be reproduced under correction in rather a yellowish when the daylight is low in color temperature, see Col. 5, lines 35-60). The only thing that is the Murayama reference does not explicitly show photographing position information and additional supplementary information, such as weather and event information related to the camera information. The Honda reference teaches in Figures 1, 3 and 7, the camera system including a built-in receiving circuit (10) which can receive Global Positioning System (GPS) information from satellites (See Col. 4, lines 28-31). The present position (location) information is determined by means of data determination unit (12, see Col. 4, lines 34-36). The camera system can capture the

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photographing date and time and photographing position and temperature, humidity information at the time of picture taking, weather and event, in addition to the place name itself together with a photographed image (See Col. 6, lines 49-50, Col. 5, lines 10-45 and Col. 6, lines 25-38). This shows photographing position information and additional supplementary information, such as weather and event information related to the camera information (e.g., date/time data). The examiner clearly states the motivation in the last office action. The Honda reference is evidence that one of ordinary skill in the art at the time to see more advantages for the camera system has more flexible options for capturing camera supplementary information relating to the camera information which including weather and event, in addition to the place name itself so that such information can be used for reproduction information later as well as providing better search options for searching pictures later (Col. 6, lines 44-50), and it is obvious the weather and place data as supplementary data that can also help to judge the current temperature related to the current date/time more accurately. For that reason, it would have been obvious to one of ordinary skill in the art at the time to modify the camera system of Murayama to providing position **information** captured in the camera and the supplementary information including **weather** and **event** information related to camera information as taught by Honda.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S. C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 12, 14, 29, 31 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Murayama et al. U.S. Patent 5,128,708.

Referring to claim 12, the Murayama reference discloses in Figures 1 and 3, an image processing method, comprising the steps of capturing digital image data of a photographing scene in which a subject is photographed with a camera (e.g., the reference states the camera is also electronic still camera or video camera, so the digital image data is captured from a pick-up device, see Col. 6, lines 52-57 and Col. 3, lines 13-20), as well as, capturing camera information of said photographing scene (i.e., such as the photo-taking time, the day of the year and the information about presence/absence of the flash for the image signal, See Col. 4, lines 13-25) acquired or input in the camera when said subject is photographed; or optionally obtaining related information (i.e., such as color temperature, specifying the season of the year by calendar 35 based on the electronic clock 34, see Col.3, lines 57) related to said photographing scene based on at least one of said captured digital image data of said photographing scene and said captured camera information thereof; assuming (judging or specifying) said photographing scene by at least one of said camera information and said related information or by a combination with said digital image data and said at least one of said camera information and said related information (e.g., if the photo-taking time is between 15 to 19 clock time zone, the light source is assumed to be the daylight. If the photo-taking day is in November or December, the scene is assumed to be taken in the winter and not by ordinary daylight, See Col. 5, lines 31-43); and subjecting preset image processing (image processing for image reproduction) to said digital image data depending on said assumed photographing scene (the assumed photographing scene are saved as light

source data 42, in later, the printer determines a color correction amount in accordance with the light source data 42 to improve the color reproduction by removing the influence of the light source, see Col. 5, lines 49-60), wherein said the camera information of said photographing scene includes a message information (a bar code data as the light source data 42 recorded with the image data, see Col. 5, lines 4-16 and lines 43-50) relating to said photographing scene, acquired or input in said camera and assigned to said digital image data (the reference states the image data can be either film or digital image data, See Col. 6, lines 53-57), said assuming step (e.g., judging the light source of photographing scene to be daylight or sunset) the of the photographing scene is a step of assuming (reading by bar code reader) the photographing scene from contents of said message information; and said preset image processing step (performing color correction processing based on the light source data 42) is a step of subjecting image processing by means of image processing conditions set in accordance with the assumed photographing scene (e.g., the image would be reproduced under correction in rather a yellowish when the daylight is low in color temperature, see Col. 5, lines 55-60).

Referring to claim 14, the Murayama reference discloses wherein said photographing scene is assumed by combining either of photographing information at the time of photographing, an image characteristics amount or principal subject information with said message information (e.g., the bar code information is light source data 42 that judged based on the photo-taking time, color temperature information and season information).

Referring to claim 29, the Murayama reference discloses all subject matter as discussed with respected to same comment as with claim 12.

Referring to claim 31, the Murayama reference discloses all subject matter as discussed with respected to same comment as with claim 14.

Referring to claim 37, the Murayama reference discloses wherein said processed image data obtained by subjecting said preset image processing to said digital image data is converted to print output image data outputted to a printer producing a print , medium output image data utilized in recording to and reproducing from a image data recording medium and communication image data utilized in communication via communication device(See Col. 5, lines 44-60).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-6, 13, 15-16, 18-23, 30, 32-34, 38 and 41-43 are rejected under 35 U.S. C. 103(a) as being unpatentable over Murayama et al. U.S. Patent 5,128,708 in view of Honda et al. U.S. Patent 5,296,884.

Referring to claim 2-5, the Murayama reference discloses all subject matter as discussed in respected claim 1, and said camera information of said photographing scene includes photographing information (photographing date and time), but the reference does not explicitly shows the camera information of said photographing scene also including **position**

information captured in the camera and the supplementary information including **weather, event and map** information.

The Honda reference discloses in Figures 1, 3 and 7, the camera system including a built-in receiving circuit (10) which can receive Global Positioning System (GPS) information from satellites (See Col. 4, lines 28-31). The present position (location) information is determined by means of data determination unit (12, see Col. 4, lines 34-36). The camera system can capture the photographing date and time and photographing position and temperature, humidity information at the time of picture taking, weather and event, in addition to the place name itself together with a photographed image (See Col. 6, lines 49-50, Col. 5, lines 10-45 and Col. 6, lines 25-38); and said supplementary information includes map information (e.g., the Honda reference discloses the data determination circuit 12a can calculate the supplementary information such as the absolute location in terms of longitude, latitude and altitude, then selecting a place data corresponding to the absolute location through checking the place names and their respective area data stored in the determination unit 12. This can be considered as map information, see Col. 5, lines 24-30). The Honda reference is evidence that one of ordinary skill in the art at the time to see more advantages for the camera system has more flexible options for capturing camera supplementary information relating to the camera information which including weather and event, in addition to the place name itself so that such information can be used for reproduction information later as well as providing better search options for searching pictures later (Col. 6, lines 44-50), and it is obvious the weather and place data as supplementary data that can also help to judge the current temperature related to the current date/time more accurately.

For that reason, it would have been obvious to one of ordinary skill in the art at the time to modify the camera system of Murayama to providing position **information** captured in the camera and the supplementary information including **weather, event and map** information related to camera information as taught by Honda.

Referring to claim 6, the Murayama and Honda references disclose all subject matter as discussed with respect to claim 2; and the Murayama reference discloses a color correction to said specified subject as said preset image processing (See Col. 5, lines 49-60).

Referring to claim 13, the Murayama disclose all subject matter as discussed with respect to same comment as with claim 12, except that the references does not show the message information is text information instead of bar code information.

The Honda reference discloses in Figure 7, a camera system including text message information such as recorded place data or date/time data displayed with image data on the monitor (24) (See Col. 6, lines 25-38). The Honda reference is evidence that one of ordinary skill in the art at the time to see more advantages for the camera system can have more flexible options by using text message information as relating to the photographing scene for image reproduction so that the photographer also can directly recognize the information without using additional hardware to read. For that reason, it would have been obvious one of ordinary skill in the art to see the message information also can be text information disclosed by Murayama.

Referring to claim 15, the Murayama and Honda references disclose all subject matter as discussed with respect to claim 2, and the Murayama reference discloses wherein said processed image data obtained by subjecting said preset image processing to said digital

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image data is converted to print output image data outputted to a printer producing a print (See Col. 5, lines 44-60).

Referring to claims 16 and 18, the Murayama disclose all subject matter as discussed with respected to same comment as with claim 1 and 15, except that the references does not explicitly discloses a database which stores related information related to said digital image data of the photographing scene and said camera information.

The Honda reference discloses in Figures 1, 7, a camera system including a database (built-in ROM 5, see Col. 3, lines 45-52 and recording medium, see Col. 6, lines 25-30) for storing categories such as area, state, city, recorded place data and time data, the image can be selectively reproduced by the signal reproduction unit (21). The recorded data corresponding to the place and date/time inputted by operation board (21) is searched in response to the output of data comparison unit (23). The Honda reference is evidence that one of ordinary skill in the art at the time to see more advantages for the camera system has a database for storing the camera information such as place of recording related to the digital image data of the photographing scene so that searching of records will be more easily. For that reason, it would have been obvious one of ordinary skill in the art to see the camera system including a database which stores related information related to the digital image data of the photographing scene and the camera information disclosed by Murayama.

Referring to claim 19, the Murayama and Honda references disclose all subject matter as discussed with respected to same comment as with claims 2 and 18.

Referring to claim 20, the Murayama and Honda references disclose all subject matter as discussed with respected to same comment as with claims 3 and 19.

Referring to claim 21, the Murayama and Honda references disclose all subject matter as discussed with respected to same comment as with claims 4 and 19.

Referring to claim 22, the Murayama and Honda references disclose all subject matter as discussed with respected to same comment as with claims 5 and 19.

Referring to claim 23, the Murayama and Honda references disclose all subject matter as discussed with respected to same comment as with claims 6 and 19.

Referring to claim 30, the Murayama disclose all subject matter as discussed with respected to same comment as with claim 29, except that the references does not show the message information is text information instead of bar code information.

The Honda reference discloses in Figure 7, a camera system including text message information such as recoded place data or date/time data displayed with image data on the monitor (24) (See Col. 6, lines 25-38). The Honda reference is evidence that one of ordinary skill in the art at the time to see more advantages for the camera system can have more flexible options by using text message information as relating to the photographing scene for image reproduction so that the photographer also can directly recognize the information without using additional hardware to read. For that reason, it would have been obvious to see the message information also can be text information disclosed by Murayama.

Referring to claim 32, the Murayama and Honda references disclose all subject matter as discussed with respected to same comment as with claims 15 and 19.

Referring to claim 33, the Murayama and Honda references disclose all subject matter as discussed with respected to same comment as with claims 15 and 18.

Referring to claim 34, the Murayama and Honda references disclose all subject matter as discussed with respected to same comment as with claims 16 and 33.

Referring to claim 38, the Murayama and Honda references disclose all subject matter as discussed with respected to same comment as with claims 16 and 37.

Referring to claim 41, the Murayama and Honda references disclose all subject matter as discussed with respected to same comment as with claims 16 and 32.

Referring to claim 42, the Murayama and Honda references disclose all subject matter as discussed with respected to same comment as with claim 2.

Referring to claim 43, the Murayama and Honda references disclose all subject matter as discussed with respected to same comment as with claim 2.

Allowable Subject Matter

6. Claims 7-11, 24-28, 35-36 and 39-40 allowed.

The following is an examiner's statement of reasons for allowance:

The prior art does not teach or fairly suggest an image processing method comprising the steps of: capturing digital image data of a photographing scene, capturing camera information; obtaining related information based on at least one of the digital image data and captured camera information; wherein said related information includes map information and/or accumulated images, said camera information of said photograph scene includes at least one of photographing position information or photographing direction information and photographing magnification information captured in said camera, a assuming step of the

photographing scene complies the steps of: preparing a simulation image of said photographing scene using said camera information and said map information or said accumulated images; comparing said prepared simulation image with a photographed image of said photographing scene, and detecting a defective region or an unnecessary region in said photographed image of said photographing scene, and said preset image processing step comprises a step of subjecting restoration processing to said defective region or said unnecessary region in said photographing image.

Conclusion

7. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

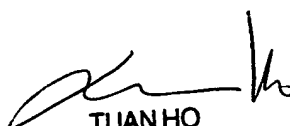
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TUAN HO
PRIMARY EXAMINER

Lin Ye

April 6, 2005